

STATE OF TEXAS
COUNTY OF FALLS
CITY OF MARLIN

On this the 10th day of September, 2019, the City Council of the City of Marlin, Texas convened in a REGULARLY SCHEDULED MEETING at 6:00pm, the same being open to the public and having been posted as prescribed in Local Government Code, Section 551.041 with the following members present to wit:

ELECTED OFFICIALS

Mayor Carolyn Lofton
Mayor Pro-Tem Scottie Henderson
Doug Porter
Rhonda Milton (absent)
Neddie Lang-Moore
Max Martinez (absent)
Terence McDavid

STAFF

DeAndrea Petty, City Attorney
Maryann Waddle, City Secretary
Cedric Davis, City Manager

1. Call to Order by Mayor Lofton at 6:00pm.
2. Roll Call by Maryann Waddle, City Secretary.
3. Certify posting by Maryann Waddle, City Secretary.
4. Pledge by Mayor Lofton and Invocation by Douglas Porter.
5. Citizens Input.
6. Mayor Lofton let the public know that as of September 1, 2019 the public can at any time participate in the discussion be had on matters on the agenda, or they can address the council during the public comment section. If they chose to engage in the discussion of an item at the time of that item, they will only have 2 minutes vs the 3 in the public comment section.
Susan Trumbly – Against rezoning (not fair to all) and would like something done about the stray animals.
Derek Hoggett – Wants recycling to be offered, the council to look into stores on main street being used as storage and a possible blight tax, and to make Coleman and Live Oak one way streets.
6. Discussion and or Take Action: proposal from the Historic Downtown Marlin Association. Linda Vickers Addressed the council about the plans to beautify downtown Marlin. The Historic Downtown Association has plans to purchas cement planter to replace the painted barrels along main street. Linda told the council that the barrels are rusted, faded and most don't even hold plants anymore they are just filled with trash. In The spring they plan to put out new planters. They would like for the city to pick up the barrels around end of February and wants the city to contact those that purchased the barrels to be alerted as to where to pick them up ,if they want their barrel. Linda also stated that not

all store fronts would have the new planters in front because the upkeep is tough considering that there is no water in the front of the stores.

Mayor Pro-tem Henderson suggested that the people who bought the barrels be notified, because they spent a bit of money on them when they were done.

Mayor Lofton expressed concerns over just how uniform the planters would be with only a few store owners purchasing them. She would like that Roger Craig be contacted and see if he can provide the purchasers of the barrels names. She would also like where to pick up the barrels be posted in the paper as well as Facebook to reach all the public. She would like the matter to be looked into further as to not upset owners of the barrels. She would like Linda to contact Mr. Craig about finding the owners. Moore stated that she would like to communicate with the barrel owner's before the council acted on the matter. Henderson suggested that we talk to the garden club to see if they have any other ideas.

Councilmember Moore motioned to table the matter till we can talk to all or anyone who might have an interest in the matter.

Mayor Pro-Tem Henderson seconded the motion and the motion carried as follows:

Councilmember Milton seconded this motion and the motion carried as follows:

AYES: Councilmember Moore,
Mayor Pro-tem Henderson,
Councilmember McDavid, Mayor Lofton

NYES: Councilmember Porter

Absent: Councilmember Milton, Councilmember Martinez

7. Discussion on and or Take Action: Linebarger, Goggan, Blair & Sampson, LLP. On how the City wants to handle tax resale

Attorney form LGBS presented the Council with options on how to handle the tax resales. The tax sales cost will be paid for by the law firm and depending on the price of the final sale the cost will be reimbursed, but it is not a price that the city has to pay for. The city's priorities are that the process be open and transparent. There are two main options a private sale and a public sale which includes a Sheriff's Sale where someone from the Sheriff's Office stand and auctions off the properties one by one it needs no approval from the other taxing jurisdictions if property sales for minimal bid. At the Sheriff's Sale council would need to decide where bid starts at 25% of minimal bid or at 10%. There is leave way for the city to control starting bid amounts. Private bid is not one that LGBS recommends, because it is kind of all closed, behind the curtain process.

The third is a private auction, it can be held on our time and schedule with minimal restrictions, and you do have to have approval from other jurisdictions if you start the bidding below manual bid required by law.

52 properties are on the first list, the lawyers will calculate whatever percentage the city would like to begin with, we can put the minimal bid and spreadsheet will have all owed (penalties, taxes, interest, attorney fees, court cost and so forth) these will be presented to other jurisdictions to show what the city would like to do and show it to them for an approval. That would be for a private auction.

Mayor Lofton stated that she preferred the Public Auction, because local people did not know about the previous properties that were available. She would like to do a low minimal bid because now that people would know about the auction there would be a heavier presence and these properties could get added back to the tax role.

Councilmember McDavid expresses concern about potential buyers keeping the property up, he is worried that there will be a lot of people buying properties and letting them get over grown and it would not add to the tax base. He wanted to know about the guidelines for buyers. Because they will just let it go back to the tax cell because they don't want to keep it up or pay the taxes, and then they go and buy the property again

Mayor Lofton stated that it would be the buyers' property and they are responsible to pay their taxes and if they do not keep it clean they can receive a citation.

LGBS Lawyer let the council know that potential buyers have to not owe prior delinquent taxes as a stipulation, this is to try to vet those who participate.

Moore asked the difference between the two and which is more transparent.

LGBS Lawyer state that the private and sheriff auction were both equally transparent but that the sheriff sale would only run until 3 pm, whereas with the private you can set the time for the evening. A sheriff is typically held on the court house steps with pictures and descriptions up for participants to see. A private auction can be held anywhere.

Councilmember Porter made a motion to table until more information about the sale types could be looked into

Councilmember Moore seconded this motion and the motion carried as follows:

AYES: Councilmember Moore,

Mayor Pro-Tem Henderson, Councilmember McDavid,

Mayor Lofton, Councilmember Porter

NYES: None

Absent: Councilmember Milton, Councilmember Martinez

8. Discussion and or Take Action: Game Warden on land lease of City Lake

Councilmember Moore made a motion to table until a proposal was brought to the council

Mayor Pro-tem Henderson seconded this motion and the motion carried as follows:

AYES: Councilmember Moore,

Councilmember McDavid,

Mayor Pro-Tem Henderson, Mayor Lofton.

NYES: None

Absent: Councilmember Milton, Councilmember Martinez

9. Discussion and or Take Action: Presentation from Dearman Gray LLC.

Councilmember Moore made motion to have the City Attorney develop a policy for the City employees.

Councilmember Henderson seconded this motion and the motion carried as follows:

**AYES: Councilmember Moore, Mayor Pro-Tem Henderson,
Councilmember McDavid, Councilmember Porter,
Mayor Lofton.**

NYES: None

Absent: Councilmember Milton, Councilmember Martinez

10. Discussion or Take Action: Recommendation from Zoning and Planning Committee

- **Special Use Permit**
- **Rezoning Residential to Commercial**

Maryann Waddle let the council know that the Planning and Zoning Committee on August 26, 2019 meet and voted unanimously to recommend that council approve the special use permit that was filed for by a lady who wanted to put in a brand new double wide on 1201 Bernard St. The council was let know that the public had no opposition to the matter.

Councilmember Porter made motion Approve the special use permit for the manufactured home to be moved onto 1201 Bernard.

Councilmember Moore seconded this motion and the motion carried as follows:

**AYES: Councilmember Moore, Mayor Pro-Tem Henderson,
Councilmember McDavid, Councilmember Porter,
Mayor Lofton.**

NYES: None

Absent: Councilmember Milton, Councilmember Martinez

Maryann Waddle let the council know that the Planning and Zoning Committee on August 26, 2019 meet and voted unanimously to recommend that council approve the changing of 1311 Live Oak from a R-8400 single family residential to C-2 Commercial Business District. The council was let know that the public had no opposition to the matter.

Council Member Moore wanted to know what was on the property in question. Maryann let her know that there was nothing but a trailer at the current time on the property.

Councilmember Moore made motion to change 1311 Live Oak from a R-8400 single family residential to C-2 Commercial Business District.

Councilmember McDavid seconded this motion and the motion carried as follows:

**AYES: Councilmember Moore, Mayor Pro-Tem Henderson,
Councilmember McDavid, Councilmember Porter,
Mayor Lofton.**

NYES: None


Absent: Councilmember Milton, Councilmember Martinez


7. Adjourn.

Councilmember McDavid made motion to adjourn. All in favor said "I".

PASSED AND APPROVED ON THIS THE 12TH DAY OF November, 2019.




Carolyn Lofton, Mayor


Maryann Waddle, City Secretary